

SENATE BILL NO. 256

INTRODUCED BY D. HARGROVE

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING COMPLIANCE WITH THE FEDERAL MILITARY SELECTIVE SERVICE ACT A PREREQUISITE FOR STATE AGENCY OR MONTANA UNIVERSITY SYSTEM EMPLOYMENT, PAYMENT OF STATE STUDENT FINANCIAL ASSISTANCE, AND ENROLLMENT IN A POSTSECONDARY EDUCATIONAL INSTITUTION OF A STUDENT RECEIVING FINANCIAL ASSISTANCE PROVIDED BY STATE FUNDS; REQUIRING THE ADOPTION OF RULES BY THE DEPARTMENT OF ADMINISTRATION AND THE BOARD OF REGENTS; AND PROVIDING EFFECTIVE DATES."

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WHEREAS, even in the time of voluntary membership in the armed services, Congress has chosen as part of the federal Military Selective Service Act, 50 App. U.S.C. 451, et seq., to maintain the military selective service registration system as a means for rapid induction of individuals into the armed forces and, as part of that system, still requires adult men between the ages of 18 and 26 to register with the selective service system; and

WHEREAS, the Military Selective Service Act in 50 App. U.S.C. 462(f) requires compliance with the registration requirements of the Military Selective Service Act as a prerequisite to the receipt of federal student financial assistance; and

WHEREAS, 5 U.S.C. 3328(a) makes ineligible for employment by a federal executive agency an individual who has failed to comply with the registration requirements of the Military Selective Service Act; and

WHEREAS, Montana should do all that it can to require that those men subject to the selective service registration requirements fulfill their obligation to register with the selective service system; and

WHEREAS, it is therefore appropriate that Montana likewise require compliance with the registration requirements of the Military Selective Service Act as a prerequisite for payment of state student financial aid, enrollment in a postsecondary educational institution of a student receiving financial assistance provided by state funds, and employment with the Executive Branch of state government.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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1 NEW SECTION. **Section 1. Compliance with Military Selective Service Act required for**
2 **employment -- rulemaking.** (1) An agency of state government or of the Montana university system may
3 not employ, on a full-time or part-time basis, in a permanent or temporary position, an individual who has
4 failed to comply with the registration requirements of the federal Military Selective Service Act, 50 App.
5 U.S.C. 451, et seq. However, this prohibition does not apply to an individual who:

6 (a) by a preponderance of the evidence shows that the failure to register was not done knowingly
7 or willfully; or

8 (b) is exempt from registration under the provisions of the Military Selective Service Act.

9 (2) The department of administration and the board of regents shall adopt rules to implement this
10 section.

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12 NEW SECTION. **Section 2. Compliance with Military Selective Service Act for postsecondary**
13 **financial assistance -- rulemaking -- definitions.** (1) A postsecondary educational institution may not
14 provide student financial assistance to or enroll as a student an individual who is receiving or will receive
15 student financial assistance unless the individual has complied with the registration requirements of the
16 federal Military Selective Service Act, 50 App. U.S.C. 451, et seq. However, this prohibition does not
17 apply to an individual who:

18 (a) by a preponderance of the evidence shows that the failure to register was not done knowingly
19 or willfully; or

20 (b) is exempt from registration under the provisions of the Military Selective Service Act.

21 (2) The board of regents shall adopt rules to implement this section.

22 (3) The following definitions apply to this section:

23 (a) "Postsecondary educational institution" means:

24 (i) the Montana university system; or

25 (ii) any other postsecondary school:

26 (A) accepting as a student an individual receiving student financial assistance; or

27 (B) accepting state funds.

28 (b) "Student financial assistance":

29 (i) means a scholarship, grant, loan, fee waiver, or insurance on a loan, all or a part of which is
30 provided by the state; and

(ii) includes money given or to be given pursuant to:

(A) the financial assistance for resident nonbeneficiary students provision in 20-25-428;

(B) the work-study program provided for in Title 20, chapter 25, part 7;

(C) the Montana resident student financial assistance program provided for in Title 20, chapter 26, parts 1 and 2; or

(D) the guaranteed student loan program provided for in Title 20, chapter 26, part 11.

NEW SECTION. Section 3. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa.

NEW SECTION. Section 4. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 2, chapter 15, and the provisions of Title 2, chapter 15, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 20, chapter 1, part 2, and the provisions of Title 20, chapter 1, part 2, apply to [section 2].

NEW SECTION. Section 5. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. Section 6. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 7. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Sections 1(1) and 2(1) and (3)] are effective July 1, 2001.

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